

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CARLOS ALBERTO PORTILLO, #1942599	§	
	§	
VS.	§	CIVIL ACTION NO. 4:18cv41
	§	
DIRECTOR, TDCJ-CID	§	

ORDER

Pro se Petitioner Carlos Alberto Portillo filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. A review of Petitioner's case shows that, after pleading guilty to aggravated sexual assault, the court sentenced him to fifty years' confinement on July 15, 2015. He did not file a direct appeal or petition for discretionary review. Accordingly, Petitioner's federal petition for writ of habeas corpus was due by August 14, 2016. Although Petitioner filed a state writ of habeas corpus, it was filed after the limitations deadline of August 14, 2016; thus, it does not serve to toll the limitations period. Before acting on its own initiative to dismiss a case as untimely, the Court is providing fair notice to Petitioner and an opportunity to present his position. *See Day v. McDonough*, 547 U.S. 198, 210 (2006).

It is therefore **ORDERED** Petitioner has fourteen (14) days to respond as to the timeliness of his petition. He is placed on notice that his § 2254 petition may be dismissed if he fails to timely comply with this Order.

SIGNED this 6th day of April, 2018.



KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE